

Register _____, _____ 200__

CHAPTER 38. ANTON ANDERSON MEMORIAL TUNNEL.

17 AAC 38.005. DESIGNATION AND APPLICABILITY.

(a) The Anton Anderson Memorial Tunnel, including associated vehicle staging areas, and the section of the road commonly known as the Portage Glacier Highway between milepost 5.1, near Portage Creek, Alaska, and the Whittier Ferry Terminal is designated as a toll facility.

(b) This chapter applies to all use of and passage through the tunnel on the highway when the tunnel is under the management of the department, except for use by motor vehicles operated by the department or by its agents or contractors as authorized by contract with the department. This chapter does not apply when the tunnel is subject to the management of the Alaska Railroad Corporation. (Eff.6/4/2000, Register 154)

Authority: AS 19.05.010 AS 19.05.030 AS 44.42.030

AS 19.05.020 AS19.05.040

17 AAC 38.015. SCHEDULE FOR VEHICLE ACCESS.

(a) The department will establish and modify from time to time a schedule setting out times, based on the vehicle classifications set out in 17 AAC 38.025, for public access by motor vehicle through the tunnel. Schedule information will be published as a public notice available through the department's home page on the internet.

(b) The department will, in its discretion, delay, cancel, or adjust public access by motor vehicle through the tunnel, or vary from a published time schedule, as required to provide for

- (1) the needs of the Alaska Railroad Corporation;
- (2) traffic demand;
- (3) safety;
- (4) weather considerations;
- (5) tunnel and highway maintenance; and
- (6) the state's best interest. (Eff.6/4/2000, Register 154)

Authority: AS 19.05.010	AS 19.05.040	AS 19.10.100
AS 19.05.030	AS 19.05.020	AS 19.10.030
		AS 44.42.030

17 AAC 38.020. (b) is amended:

17 AAC 38.020. TOLLS.

(a) The commissioner will establish the vehicle tolls for passage through the tunnel, at an amount projected to yield revenue reasonably calculated to cover expenses, and will review and adjust those tolls, if necessary, for that purpose. Expenses include the costs of operating and maintaining the facility, including the cost of insurance, loan repayments, with interest, and repair and replacement of equipment.

(b) The tolls listed in the department's Anton Anderson Memorial Tunnel Tolls and Vehicle Class Schedule, as revised as of _____, are adopted by reference. (Eff. 6/4/2000, Register 154; am 6/8/2002, Register 162; am ____/____/____, Register ____)

Authority: AS 19.05.010	AS 19.05.030	AS 44.42.030
AS 19.05.020	AS 19.05.040	

17 AAC 38.025 (a) is amended:

17 AAC 38.025. VEHICLE CLASSIFICATION.

(a) Subject to (b) of this section, motor vehicles are classified as follows for purposes of this chapter:

(1) class A consists of

(A) passenger vehicles not pulling trailers;

(B) motorcycles, and motorcycles pulling trailers; and

(C) trucks with a gross vehicle weight of less than 12,000 pounds and not pulling trailers;

(D) recreational vehicles less than 28 feet long and not pulling trailers; and

(2) class B-1 consists of

(A) passenger vehicles pulling trailers;

(B) recreational vehicles less than 28 feet long and pulling trailers; and

(C) recreational vehicles 28 feet long and greater and not pulling trailers;

(D) trucks with a gross vehicle weight of less than 12,000 pounds pulling trailers;

(E) trailers in this class cannot be more than 8.5 feet wide or 14 feet high (except as provided for under 17 AAC 25.011), and a combined length not more than 75 feet long;

(3) class B-2 consists of

(A) recreational vehicles 28 feet long and greater and pulling trailers;

(B) vans and buses designed to carry more than nine but fewer than 30 people including the driver;

(C) trucks with a gross vehicle weight of 12,000 pounds or more and fewer than four axles not pulling trailers;

(D) passenger vehicles and recreational vehicles pulling trailers hauling boats more than 8.5 feet wide, but not more than 10 feet wide, not more than 14 feet high, and a combined length not more than 75 feet long;

(4) class C consists of buses designed to carry 30 or more people including the driver;

(5) class D consists of

(A) trucks with a gross vehicles more than 12,000 pounds and fewer than four axles pulling trailers;

(B) trucks, including tractor and trailer combinations, with a gross vehicle weight of 12,000 pounds or more and four or more axles including trailer axles;

(C) motor vehicles, including any trailer and any load, if they are more than 8.5 feet wide, excluding mirrors, but not more than 10 feet wide, not more than 14 feet high, and not more than 75 feet long, except as specified by Class B2; and

(D) any motor vehicle that is not otherwise classified in this section;

(6) class E consists of motor vehicles, including any trailer and any load, if they are more than

(A) 10 feet wide, excluding mirrors, but not more than 11 feet wide; or

(B) 14 feet high, but not more than 15 feet high;

(7) class F consists of motor vehicles exempt from tolls, including Alaska Railroad Corporation motor vehicles, department-operated motor vehicles, emergency vehicles, law enforcement vehicles, and other motor vehicles as determined to be appropriate by the commissioner for the best interest of the state;

(8) class G consists of government motor vehicles, other than government motor vehicles that fall within class F, and other motor vehicles as determined to be appropriate by the commissioner for the best interest of the state.

(b) Except for motor vehicles in class F and G, a vehicle, including any trailer and any load, with a width or height described in (a)(5) or (a)(6) of this section is classified within class D or class E according to its size, and is excluded from any other otherwise applicable class. (Eff. 6/4/2000, Register 154; am 6/8/2002, Register 162; am ____/____/____, Register ____)

Authority: AS 19.05.010 AS 19.05.250 AS 19.10.060

AS 19.05.030 AS 19.10.030 AS 44.42.030

AS 19.05.040

17 AAC 38.035 (a) is amended:

17 AAC 38.035. PROHIBITIONS.

(a) A motor vehicle may not use or enter the tunnel if

(1) the motor vehicle poses an unreasonable hazard to the tunnel or to the tunnel's users due to a condition of the motor vehicle, or of the motor vehicle's driver, occupants, or contents;

(2) the size, weight, or any other characteristic of the motor vehicle, including any trailer, or of any load on the motor vehicle or trailer, could reduce the safety of passage through the tunnel;

(3) the load on the motor vehicle, including any trailer,

(A) is improperly secured;

(B) poses a danger to the traveling public; or

(C) is incompatible with the safe operation of the tunnel; or

(4) the motor vehicle's driver fails

(A) to pay the applicable toll as established under 17 AAC 38.020; or

(B) upon request, to provide information relevant to

(i) the determination of the motor vehicle's classification under 17 AAC 38.025; or

(ii) a basis for denial of access under this chapter.

(b) A person may not

(1) set off a false alarm or tamper with safety devices associated with the tunnel;

(2) when the tunnel is under the management of the department, use or enter the tunnel except as provided in this chapter; or

(3) use or enter the tunnel operating a bicycle or other non-motorized vehicle.

(c) The following are prohibited from entrance into and passage through the tunnel on the highway:

(1) a cleated or tracked vehicle unless transported on a rubber-tired vehicle;

(2) a vehicle, including any load or trailer, more than 15 feet high, 11 feet wide, or 75 feet long, or in excess of any applicable vehicle weight limit under 17 AAC 25.013;

(3) a pedestrian;

(4) a vehicle carrying a quantity of a hazardous material;

(A) that requires a placard as defined in 49 C.F.R. 107 through 180, revised as of October 1, 1999;

(B) as defined in 49 C.F.R. 107 through 180, revised as of October 1, in any quantity greater than 400 pounds;

(5) a vehicle transporting gasoline in a portable container not marked as approved for that purpose by Underwriters Laboratories (UL) or in one or more UL-approved portable containers having a total combined capacity greater than 12 gallons;

(6) a vehicle transporting propane in

(A) a container not designed for the transport of propane; or

(B) one or more containers designed for the transport of propane and having a total combined capacity greater than 100 pounds of propane; and

(7) a vehicle transporting acetylene in a container not designed for the transport of acetylene, or transporting one or more than one container designed for the transport of acetylene and having a total combined capacity of more than 400 cubic feet of acetylene;

(8) a vehicle that may not legally operate on the state highway system. (Eff.6/4/2000, Register 154; am ____/____/____, Register ____)

Authority: AS 19.05.010 AS 19.05.030 AS 44.42.030

AS 19.05.020 AS 19.05.040

17 AAC 38.055. TRAFFIC CONTROL DEVICES. The department will, in its discretion, or the department's contractor or agent may, based on safety considerations, restrict passage through the tunnel via posted signs and traffic control devices that limit the number of classes of vehicles, the manner of operation of a vehicle, or the transportation of materials through the tunnel. The driver of a motor vehicle using the tunnel must obey applicable posted signs and traffic control devices. (Eff.6/4/2000, Register 154)

Authority: AS 19.05.010 AS 19.10.040 AS 19.10.100
 AS 19.05.020 AS 19.10.050 AS 44.42.030
 AS 19.05.030

17 AAC 38.900. DEFINITIONS. In this chapter, unless the context requires otherwise,

- (1) "bus" means a motor vehicle designed primarily for and having the capacity to transport 10 or more people including the driver;
- (2) "commissioner" means the commissioner of transportation and public facilities;
- (3) "department" means the Department of Transportation and Public Facilities;
- (4) "gross vehicle weight" means the total weight of a vehicle, or a combination of vehicles, including load and any accumulated snow, ice, mud, rocks, or dirt;
- (5) "motor vehicle" means a self-propelled fuel-powered vehicle designed for operation on a highway;
- (6) "passenger vehicle" means a motor vehicle designed and used primarily to transport less than 10 people including the driver;
- (7) "recreational vehicle" means a vehicle equipped with cooking facilities;
- (8) "toll" means a charge or other user fee required to be paid by the public in exchange for the privilege of traveling on, over, or through a highway, road, bridge, tunnel, crossing, or causeway;
- (9) "traffic control device" means a light, barrier, arrow, flag, gate, pavement marking, sign, or other indicator used by the department or the department's contractor to designate a traffic pattern or road use restriction;
- (10) "trailer" means a vehicle, with or without motive power, designed for carrying persons or property and for being drawn by a motor vehicle; "trailer" includes semi-trailers and pole trailers;
- (11) "truck" means a motor vehicle, including a cargo van or a pickup truck regardless of the number of its passenger seats, designed primarily for the movement of a load; "truck" includes a motor vehicle specifically designed to pull a trailer or semi-trailer;

(12) "tunnel" means the Anton Anderson Memorial Tunnel;

(13) "vehicle"

(A) means a device

(i) in, upon, or by which a person or property may be transported or drawn upon or immediately over a highway; and

(ii) registered as required under AS 28.10; and

(B) does not include devices used exclusively upon stationary rails or tracks. (Eff.6/4/2000, Register 154)

(14) "government motor vehicle" means a vehicle owned or operated by a government agency, and on official business; "government motor vehicle" includes a

(A) vehicle owned and operated by a school district and on official business; and

(B) school bus under contract with a school district and on official business. (Eff. 6/4/2000, Register 154; am 6/8/2002, Register 162)

Authority: AS 19.05.010 AS 19.45.001 AS 44.42.030